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10/635,619

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Hideo Nakazawa

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EXAMINER

HAMILTON, MATTHEW L

ART UNIT

PAPER NUMBER

3622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/635,619

Applicant(s)

NAKAZAWA ET AL.

Examiner

Matthew L. Hamilton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/7/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the initial filing filed on 07 August 2003.
2. Claims 1-20 are currently pending and have been examined.
3. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Information Disclosure Statement

4. The Information Disclosure Statement filed on 07 August 2003 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1, 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "*Detecting coming of a preset timing for distributing an advertisement*" is unclear. For examination purposes, the Examiner interprets the claim as a predetermined period of time to update and distribute advertisement information.

7. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "*recognizing an occurrence time of the operating state having a predetermined reference or less*" is unclear. For examination purposes, the Examiner interprets the claim as monitoring the state and location of the mobile terminal using a global positional position (GPS). The claim recites "*and setting said occurrence time to said timing for distributing the advertisement and detecting coming of the timing*" is unclear. For examination purposes, the Examiner interprets the claim as predetermined period of time to update and distribute advertisement information.

8. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites "*and starting a predetermined function in response to the request for starting the mobile terminal*" is unclear. For examination purposes, the Examiner interprets the claim as a request for user registration before using the advertising management method.

9. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "*telop*" is unclear. For examination purposes, the term "*telop*" is defined as television opaque projecting device used to broadcast images directly without the use of a camera.

10. Claims 9, 11 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the term "*purchase certification information*" is not clear. For examination purposes, the Examiner interprets the claim as a product identification number or Universal Product Code or information to approve purchase.

11. Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "*means for counting said history information with respect...*" is unclear. For examination purposes, the Examiner interprets the phrase as relating to points earned stored in history information.

12. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble states "a storage medium for storing a program..." is unclear because it has the word "for" and it is not clear whether it is stored or not.

13. Claim 8 recites the limitation "the user" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

14. Claim 1 is objected to because of the following informalities: the applicant inadvertently added the words "*the and*" in between the words contents and distributed. Appropriate correction is required.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 1, 4, 7, 12, 13-15 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Shioda et al. US Publication US 2001/0044639 A1.

Claims 1, 13 and 14:

As per claims 1, 13 and 14, **Shioda** teaches the method, a mobile terminal and storage medium for storing a program comprising:

detecting coming of a preset timing for distributing an advertisement (paragraphs 0044, 0045 and 0046);

The reference discloses an operation time unit predetermined to update advertisement information and send advertisement to user. In addition, it discloses a series of steps before the user receives advertisement information.

transmitting, to an advertisement distribution server on a network, a request for distributing the advertisement based on preset contents of the distributed advertisement (paragraphs 0024, 0030 and 0031). According to the reference, it discloses a retrieval means advertisement information related based on user-related information (registration information, preference information, distribution history and position information (paragraph 0028). In paragraph 0030, discloses an advertisement information distributing server, it is inherent the server transmits information. According to Merriam Webster Online Dictionary, a server is defined as: a computer in a network that is used to provide services (as access to files or shared peripherals or the routing of e-mail) to other computers in the network.

receiving advertisement information distributed from the advertisement distribution server in accordance with said request for distributing the advertisement (paragraphs 0006, 0030 and 0031). It is inherent the advertising distribution server is used to transmit and request information.

outputting said received advertisement information to an output interface (paragraph 0029);

receiving, from an input interface, a request for changing an output format of said outputted advertisement information or for obtaining related information (paragraphs 0055 and 0057). In paragraph 0055, the user selects information from a list of advertisements (to obtain related information).

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transmitting said request to said advertisement distribution server (paragraphs 0006, 0030 and 0031);

changing, in accordance with said request, the output format of said advertisement information or receiving said advertisement distribution server (paragraphs 0030, 0031 and 0057). It is inherent the advertising distribution server is used to transmit and request information.

and outputting, to the output interface, the advertisement information in said changed output format or said received related information (paragraphs 0029 and 0057). In paragraph 0029, the reference discloses the telephone receives advertisement information in different formats such as sounds and images.

Claim 4:

As per claim 4, **Shioda** teaches the method of claim 1 as described above and further teaches *monitoring an operating state of the mobile terminal and recognizing an occurrence time of the operating state having a predetermined reference or less (paragraphs 0034 and 0071); and setting said occurrence time to said timing for distributing the advertisement and detecting coming of the timing (paragraphs 0044, 0045 and 0046).*

Claim 7:

As per claim 7, **Shioda** teaches the method of claim 1 as described above and further teaches *further comprising the steps of: storing, into a storage device of the mobile terminal, history information on processing for receiving various requests via said input interface or processing in accordance with the receiving processing (paragraphs 0028 and 0032). and transmitting said history information to said advertisement distribution server for every starting operation of the mobile terminal or at a predetermined timing during the starting operation (paragraph 0038).*

Claim 12:

As per claim 12, **Shioda** teaches the method of claim 1 as described above and further teaches *further comprising the steps of: sending an instruction for forming a background image such as a wallpaper or a waiting image on the mobile terminal by the advertisement information or various information related to the advertisement information, to a processing unit of the background image, upon displaying the advertisement information or the various information related to the advertisement information on said output interface* (paragraph 0029);
and outputting, to the output interface, said advertisement information set as the background image or the various information related to the advertisement information (paragraph 0029).

Claim 15:

As per claim 15, **Shioda** teaches a server comprising: *means for receiving a request for distributing an advertisement from a mobile terminal on a network* (paragraphs 0024 and 0055);

means for extracting corresponding advertisement information from a database in accordance with said request for distributing the advertisement (paragraph 0025);

means for distributing said extracted advertisement information to the mobile terminal (paragraph 0029);

means for receiving, from the mobile terminal, a request for changing an output format of the advertisement information or for obtaining information related to the advertisement information (paragraphs 0055 and 0057);

and means for changing, in accordance with said request, the output format of said advertisement information or extracting said related information from the database, and for transmitting the information to said mobile terminal (paragraphs 0025 and 0101).

Claim 19:

As per claim 19, **Shioda** teaches a server of claim 15 as described above and further teaches *further comprising: means for counting said history information with respect to at least one of a user property of the mobile terminal, a property of the advertisement information, distribution time of the advertisement information, receiving time of various requests of the advertisement information, a property of the obtained related information, a property of obtained appeal product information, and a property of article information (paragraphs 0028, 0044 and 0055); and means for outputting a result of said counting processing (paragraph 0028).*

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shioda et al. US Publication US 2001/0044639 A1 in view of Natsuno et al. US Publication US 2002/0165773 A1.

Claim 2:

As per claim 2, **Shioda** teaches the method of claim 1 as described above but do not teach *wherein said advertisement information distributed from said advertisement distribution server is at least one of image data and text data forming a hanging advertisement.* However, **Natsuno** teaches a method and system for distributing advertisements over network in paragraph 0002 and further teaches, *"The advertiser server 19 is the server used when an advertiser prepares advertisement data and sends it to the advertisement distribution server 17 or inquires about the state of distribution of the advertisement data to the advertisement distribution server 17. Here, the advertisement data is data for displaying words or images of an advertisement on a display unit 112 of a mobile communication terminal 11" and "The advertisement distribution server 17 is a server distributing advertisements through the Internet 14 and has a database 17A storing advertisement data and various types of*

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information used for control of the distribution of advertisements.” (paragraphs 0055 and 0056).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to add an advertisement distribution server to send advertising information consisting of least an image data and text data forming a hanging advertisement. One would have been motivated to add an advertisement distribution server to send advertising information consisting of image and text data in order to provide the user a visual representation of the advertisements.

Claim 3:

As per claim 3, **Shioda** and **Natsuno** teaches the method of claim 2 as described above and **Shioda** further teaches *wherein an appeal product in the hanging advertisement or article list information as said related information is related to at least one of the image data and the text data of the hanging advertisement as said advertisement information, said advertisement management method further comprising the steps of: receiving an instruction for displaying said list information as a request for obtaining said related information from the input interface* (paragraphs 0055 and 0057). The user selects advertisement information from a list of advertisements.

Natsuno teaches *transmitting, to the advertisement distribution server, the request of the list information including an ID of the corresponding hanging advertisement in accordance with said display instruction* (paragraph 0014). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to request a list of information including an ID corresponding to the hanging advertisement. One would have been motivated to request a list of information including an ID corresponding to the hanging advertisement in order to identify the list of information corresponding to advertisement.

Natsuno teaches *receiving the list information corresponding to the ID of said hanging advertisement from said advertisement distribution server* (paragraph 0014). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to receive a list corresponding to the

ID of hanging advertisements. One would have been motivated to receive a list corresponding to the ID of hanging advertisements in order to receive to information related to the ID.

outputting said received list information to the output interface (paragraph 0057);

*receiving, from the input interface, a request for obtaining information on the appeal product **or article information included in said list information** (paragraphs 0055 and 0057);*

transmitting said obtaining request to said advertisement distribution server (paragraph 0061). It is inherent the server will obtain request to transmit article information.

*receiving, from said advertisement distribution server, the information on the appeal product **or the article information in accordance with said obtaining request** (paragraph 0058);*

*and outputting, to the output interface, the information on said appeal product **or the article information** (paragraph 0059).*

Claim 5:

As per claim 5, **Shioda** teaches the method of claim 1 as described above but do not teach recording said timing for distributing the advertisement to a storage device of the advertisement distribution server and receiving a request for starting said mobile terminal **or a request for starting said advertisement management method from said advertisement distribution server which detects the timing for distributing the advertisement** nor and starting a predetermined function in response to the request for starting the mobile terminal **or the request for starting the advertisement management method**. However, **Natsuno** teaches a method and system for distributing advertisements over network in paragraph 0002 and further teaches, "The invention may also be configured so that when the relay server 15 receives an access request to the content server 18 from the mobile communication terminal 11 at a certain time band, an advertisement related to the time band

is distributed. For example, it is also possible to distribute an advertisement of a restaurant etc. describing "ONE FREE DRINK" etc. in a time band after the end of working hours, i.e., after five, and distribute a notification of a lunch menu etc. as an advertisement in the lunch hour. Further, it is also possible to configure the invention to distribute an advertisement of a time service using the position information described in the fifth modification." (paragraph 0100). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to add timing, which requests starting advertising management method. One would have been motivated to add timing which requests starting advertising method in order to increase the participation of the user during a convenient time.

19. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shioda et al. US Publication US 2001/0044639 A1 in view of Staehelin US Publication 2002/0023002 A1.

Claim 6:

As per claim 6, **Shioda** teaches the method of claim 1 as described above but do not teach *wherein said contents of the distributed advertisement for every user of the mobile terminal is recorded to a storage device of said advertisement distribution server, said advertisement management method further comprising the steps of: including a user ID of the user of the mobile terminal in said request for distributing the advertisement and transmitting the user ID to the advertisement distribution server nor and receiving the advertisement information, in accordance with the contents of the distributed advertisement by the advertisement distribution server which recognizes the contents of the distributed advertisement corresponding to said user ID.* However, **Staehelin** teaches a system and method for offline advertising in paragraph 0002 and further teaches, *"The next time a user establishes a network connection, the unique user ID is provided to the server and is check against the stored profile, allowing for information, such as ads, to be properly targeted according to the profile"* (paragraph 0033). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to request advertisements, transmit user ID to the server and distribute advertisements. One would have been motivated to request advertisements, transmit user ID to the server and distribute

advertisements corresponding to the user ID in order to send specific advertisements specifically to the user.

20. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shioda et al. US Publication US 2001/0044639 A1.

Claim 8:

As per claim 8, **Shioda** teaches the method of claim 7 as described above but do not teach *wherein said advertisement information received by the advertisement distribution server is obtained by calculating an attention degree for every advertisement for the user of the mobile terminal based on the history information by the advertisement distribution server which receives said history information and by determining a distribution order or an output format in accordance with the attention degree.* However, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to calculate an attention degree in order to present the user with the highest rated advertisement by the user and present information pertinent to the user's interest. In addition, the user can use the advertisements in order to purchase products and services they are interested in.

Claim 16:

As per claim 16, **Shioda** teaches a server of claim 15 *comprising: means for receiving history information on reception processing of various requests of the advertisement information on the mobile terminal or history information on processing in accordance therewith, from the mobile terminal as a distribution destination of the advertisement information* (paragraph 0028);

Shioda does not teach *and means for calculating an attention degree for every advertisement of a user of the mobile terminal based on said history information and for determining a distribution order or the output format of the advertisement information in accordance with said attention degree.* However, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to calculate an attention degree in order to present the user with the highest rated advertisement

by the user and present information pertinent to the user's interest. In addition, the user can use the advertisements in order to purchase products and services they are interested in.

21. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shioda et al. US Publication US 2001/0044639 A1 in view of Himmel et al. US Publication 2003/0003929 A1 in view of Takayama Japanese Patent JP4013099477A in further in view of Natsuno et al. US Publication US 2002/0165773 A.

Claim 9:

As per claim 9, **Shioda** teaches the method of claim 1 as described above but do not teach *further comprising the steps of: detecting a predetermined timing or a timing for distributing a telop as a time for executing predetermined processing subsequent to the reception of said advertisement information.* However, **Himmel** teaches a method and system for schedule based advertising on a mobile phone in paragraph 0002 and further teaches, "A user preferred schedule for transmitting advertisements to the mobile station is initiated subsequent to a detection of the registration. And, an advertisement is transmitted to the mobile station in accordance with user preferred schedule" (paragraph 0006). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to add a predetermined timing (schedule) to send advertisements. One would have been motivated to add a predetermined timing to send advertisements in order to make sure the advertisement is sent at a convenient time for the user such as day, afternoon or night. The Himmel reference teaches a schedule or timing to transmit advertisements similarly a telop could be sent at a scheduled time.

Shioda and **Himmel** do not teach *transmitting a request for distributing the telop to said advertisement distribution server in accordance with said timing for distributing the telop nor and outputting said telop information to the output interface.* However, **Takayama** teaches telop equipment and further teaches, "To send plural telops smoothly by sending the telop in the order of transmission every time a telop transmission key is depressed and displaying the telop to be sent onto a display device for pre-view" (abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention for Shioda to transmit a request for distributing and outputting telop information to an output interface. One would have been motivated to transmit a request for distributing and outputting telop information to an output interface in order to receive and view the telop in an orderly fashion. The Takayama reference is requesting a telop in order to receive the telop in a display screen.

Shioda, Himmel and Takayama do not teach *receiving corresponding telop information from said advertisement distribution server which collates said request for distributing the telop with a telop table for determining a relationship between distribution telop information and at least one of time of said timing for distributing the telop, a property of a user of the mobile terminal, and a property of the advertisement information as a target of the telop distribution*. However, **Natsuno** teaches a method and system for distributing advertisements over network in paragraph 0002 and further teaches, "An advertisement retrieval table 172 is a table defining advertisement IDs specifying advertisements meeting the conditions for each combination of the predefined plurality of types of desired received advertisement conditions and plurality of types of desired sent user conditions. Each desired received advertisement condition is allocated a unique code. Further, the advertisement distribution server 17 can retrieve the advertisement IDs of the advertisements to be distributed to a user from the advertisement retrieval table 171 using as keys the code of the desired received advertisement conditions received through the Internet 14 and the desired sent user conditions obtained from the conversion module 171." (paragraph 0059). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to add a telop table for determining a relationship between distribution telop information and at least one of time for distributing the telop, a property of a user of the mobile terminal, and a property of the advertisement information as a target of the telop distribution. One would have been motivated to add a telop table for determining a relationship between distribution telop information and at least one criteria such as time for distributing the telop, a property of a user of the mobile terminal, and a property of the advertisement information as a target of the telop distribution in order to define and distribute the correct information based on relationship table. Similarly, the Natsuno reference discloses a table specifying the conditions

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for different types of advertisements based on identification (ID). Therefore, a table can be established to perform the same function for distributing telops.

22. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shioda et al. US Publication US 2001/0044639 A1 in view of Himmel et al. US Publication 2003/0003929 A1 in view of Natsuno et al. US Publication US 2002/0165773 A further in view of Takayama Japanese Patent JP4013099477A.

Claim 17:

As per claim 17, **Shioda** teaches a server of claim 15 as described above but do not teach *further comprising: means for receiving a request for distributing a telop from the mobile terminal*. However, **Himmel** teaches a method and system for schedule based advertising on a mobile phone in paragraph 0002 and further teaches, "A user preferred schedule for transmitting advertisements to the mobile station is initiated subsequent to a detection of the registration. And, an advertisement is transmitted to the mobile station in accordance with user preferred schedule" (paragraph 0006). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to receive a request for distributing a telop from the mobile terminal. One would have been motivated to request a telop from a mobile terminal in order to see the images.

Shioda and **Himmel** do not teach *means for collating said request for distributing the telop with a telop table for determining a relationship between distribution telop information and at least one of time of said timing for distributing the telop, a property of a user of the mobile terminal, and a property of the advertisement information as a target of the telop distribution and for extracting corresponding telop information*. However, **Natsuno** teaches a method and system for distributing advertisements over network in paragraph 0002 and further teaches, "An advertisement retrieval table 172 is a table defining advertisement IDs specifying advertisements meeting the conditions for each combination of the predefined plurality of types of desired received advertisement conditions and plurality of types of

desired sent user conditions. Each desired received advertisement condition is allocated a unique code. Further, the advertisement distribution server 17 can retrieve the advertisement IDs of the advertisements to be distributed to a user from the advertisement retrieval table 171 using as keys the code of the desired received advertisement conditions received through the Internet 14 and the desired sent user conditions obtained from the conversion module 171." (paragraph 0059). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to request distribution of telop with a telop table to determine relationship between distribution of telop information and at least one of time for distributing the telop, a property of a user of the mobile terminal, and a property of the advertisement information as a target of the telop distribution and for extracting corresponding telop information. One would have been motivated to request distribution of telop with a telop table to determine relationship between distribution of telop information and at least one of time for distributing the telop, a property of a user of the mobile terminal, and a property of the advertisement information as a target of the telop distribution and for extracting corresponding telop information in order to define and distribute the correct information based on relationship table.

Shioda, Himmel and Natsuno do not teach *and means for transmitting said telop information to said mobile terminal*. However, **Takayama** teaches telop equipment and further teaches, "...the telop is sent and the succeeding telop is displayed on the monitor receiver 21" (abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to transmit telop information to mobile terminal. One would have been motivated to transmit telop information to mobile terminal in order to see the captions at the mobile terminal.

23. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shioda et al. US Publication US 2001/0044639 A1 in view of Banerjee et al. US Publication 2003/0028426 A1.

Claim 10:

As per claim 10, **Shioda** teaches the method of claim 1 as described above but do not teach *further comprising the steps of: outputting a screen for inputting purchase certification information to the*

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output interface in accordance with a purchase operation of an advertisement product based on said advertisement information. However, Banerjee teaches a discount processing system in paragraph 0001 and further teaches, "In FIG. 1, there is shown a user processing device 101, which is arranged to employ scanning means 103 in combination, for example, with a bar code reader 105 to scan a product code on a user-selected product. The processing device may be comprised of a cellular phone or other handheld portable device which is enhanced to include a scanning device 103, a code reader 105 and a graphical user interface (GUI) 107 as hereinafter described. The GUI 107 is used to transmit a scanned product code to a store server 109." (paragraph 0015). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to output screen for inputting purchase certification information. One would have been motivated to add an output screen for inputting purchase certification information in order to notify the user when to insert the information. It is inherent to have a screen displayed asking user to insert information to device.

transmitting, to the advertisement distribution server, product information received via said screen for inputting the purchase certification information or the advertisement information distributed to the mobile terminal (paragraph 0029);

receiving, from the advertisement distribution server, a corresponding product list formed in accordance with said product information or the advertisement information (paragraphs 0055 and 0057);

receiving a selection of a product included in said product list (paragraph 0055 or 0057);

receiving, from the input interface, an input of the purchase certification information of a corresponding product (paragraph 0034);

transmitting said selected product and said purchase certification information to the advertisement distribution server (paragraph 0042);

receiving, from said advertisement distribution server, a processing result of the certification of the purchase certification information or of registration of a point in accordance with the purchase operation, regarding the selected product (paragraph 0028);

and outputting said received processing result to the output interface (paragraph 0057).

Claim 11:

As per claim 11, **Shioda** in view of **Banerjee** teaches the method of claim 10 as described above and **Banerjee** further teaches *further comprising the steps of: reading said purchase certification information by a reader function, included in the mobile terminal, of the purchase certification information outputted to a proper medium nor and receiving an input of said purchase certification information from the reader function* (paragraph 0015). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to add a reader function to the mobile terminal and receive purchase certification information input. One would have been motivated to add a reader function in order to avoid manually inputting information to the mobile terminal.

24. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shioda et al. US Publication US 2001/0044639 A1 in view of Lee Publication WO 03/014995 A1 further in view of Kawahara US Publication 2003/0028431 A1.

Claim 18:

As per claim 18, **Shioda** teaches a server of claim 15 as described above and further teaches *further comprising: means for receiving, from said mobile terminal, product information received via a screen for inputting purchase certification information on the mobile terminal or the advertisement information distributed to said mobile terminal, in accordance with a purchase operation of an advertisement product based on the advertisement information* (paragraphs 0029 and 0101);

means for extracting a corresponding product from a database based on said product information or said advertisement information and forming a product list (paragraph 0055 or 0057);

means for transmitting said product list to the mobile terminal (paragraph 0055 or 0057);

Shioda does not teach *means for receiving, from the mobile terminal, a product selected from said product list and the purchase certification information of the selected product*. However, **Lee** teaches an accounting method by authentication of mobile telecommunication company in page 1 lines 5-10 and further teaches, "...a mobile communication device of a purchaser and a mobile communication company are connected to each other via wireless communication network, and a goods/service provider, a transaction server for settlement, which accounts for the goods/service provider and the purchaser as members are established in, and the mobile communication company are connected to each other via wired communication network, said method being characterized by comprising the steps: (a) transmitting a mobile telephone number of the purchaser and information on a goods/service price which the purchaser selects to the transaction server from the goods/service provider and requesting payment for the goods/service; (b) transmitting the mobile telephone number of the purchaser to the mobile communication company and requesting an authentication; (c) calling the mobile telephone number in the mobile communication company and having the purchaser input his own password;..." (page 3 line 14 to page 4, line 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to receive from mobile terminal a product and purchase certification information. One would have been motivated to receive from mobile terminal a product and purchase certification information in order to identify product and purchase information related to customer.

Shioda and **Lee** do not teach *means for performing of authentication of the purchase certification information of said selected product or of point registration in accordance with the purchase operation*. However, **Kawahara** teaches method for adding product-purchase points in paragraph 0001 and further teaches, "a personal computer or a mobile phone of the member accesses the website of the point provider and transmits the product identification code, which is written in a sealed document and

cannot be read from outside, to the membership management device of the point provider; the membership management device of the point provider checks the identity of the person who accessed by phone (whether the person who has accessed by phone is the same person as the one who purchased the product), and upon confirmation, adds the points corresponding to the purchase amount and stores the point data" (paragraph 0007). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to perform authentication of purchase certification information. One would have been motivated to perform authentication of purchase certification information in order to justify the validity of the information and register points with purchase.

Shioda and **Lee** do not teach *and means for transmitting said processing result to the mobile terminal*. However, **Kawahara** teaches method for adding product-purchase points in paragraph 0001 and further teaches, *"A screen prompting the person accessing the site to enter the ID number and the product identification code printed on the CD card appears. When the member, i.e., the purchaser, enters this data from the numerical keypad, points are added, and the fact that the points are added is displayed on the screen together with a message of appreciation for the purchase of the product"*. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to transmit result to mobile terminal. One would have been motivated to transmit result to mobile terminal for consumer convenience.

25. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shioda et al. US Publication US 2001/0044639 A1 in view of Kawahara US Publication 2003/0028431 A1.

Claim 20:

As per claim 20, **Shioda** teaches a server of claim 19 as described above but do not teach *further comprising: means for counting said history information with respect to said purchase certification information*. However, **Kawahara** teaches method for adding product-purchase points in paragraph 0001 and further teaches, *"A screen prompting the person accessing the site to enter the ID number and the*

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product identification code printed on the CD card appears. When the member, i.e., the purchaser, enters this data from the numerical keypad, points are added, and the fact that the points are added is displayed on the screen together with a message of appreciation for the purchase of the product" and "The points added are stored in the membership data storage device 24. When the addition of the points is completed, the electronically encrypted code and the product identification code are recorded as "used", disabling the CD card for further use for the purpose of point accumulation." (paragraphs 0034 and 0035). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention for Shioda to count history information with respect to purchase certification information. One would have been motivated to count history information with respect to purchase certification information in order to properly grant points to consumers with each valid purchase.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew L. Hamilton whose telephone number is (571) 270-1837. The examiner can normally be reached on Monday-Friday 7:30a.m-5p.m EST alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Matthew Hamilton

Patent Examiner

November 26, 2007



James W. Myhre
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